



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,731	07/28/2003	Kunihiro Akiyoshi	240554US2	3795
22850 7590 03/05/2009 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER GARCIA, GABRIEL I				
ART UNIT 2625		PAPER NUMBER		
NOTIFICATION DATE 03/05/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

### Office Action Summary

**Application No.**

10/627,731

**Applicant(s)**

AKIYOSHI ET AL.

**Examiner**

GABRIEL I. GARCIA

**Art Unit**

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-10,12-19 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,10,12-16,19 and 21-23 is/are rejected.
- 7) ☒ Claim(s) 8,9,17 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/28/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/4/09
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **Part III DETAILED ACTION**

1. This application has been examined. Claims 1,3-10,12-19 and 21-23 are pending in this application.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-7,10,12-16,19 and 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Schwabe (6,986,132).

With regard to claim 1, Schwabe teaches an image forming apparatus (1320) including a system service (1330) for performing processes of a system side of the image forming apparatus on the basis of a request by using an API from an application for performing processes on image forming (e.g. col. 8, lines 29-63 and col 11, lines 48-65), the image forming apparatus comprising: an obtaining unit configured to obtain

version information of a plurality of APIs used by the application for the system service, and version information of a plurality of APIs corresponding to the system service; a comparing unit configured to compare, API by API, version information of the one of the plurality of the APIs used by the application with version information of the one of the plurality of the APIs of the system service (e.g. col. 11, line 48 thru col. 12, line 6); and a further comparing unit configured to compare a version of a set of the APIs used by the application with a version of a set of APIs of the system service, wherein the image forming apparatus performs comparison by the comparing unit only when the versions of the sets of the APIs are different (e.g. reads on figs 20a-20d).

With regard to claim 3, Schwabe further teaches wherein an executive program of the application includes the version information of the APIs used by the application, and the obtaining unit obtains the version information of the APIs used by the application from the application (reads on figs. 20a,20c & 21d).

With regard to claim 4, Schwabe further teaches wherein the image forming apparatus tentatively launches the application for obtaining the version information from the application (reads on fig. 20c).

With regard to claim 5, Schwabe further teaches wherein the system service includes a plurality of system service modules, the application includes version information of APIs used by the application for each of the system service modules, when the obtaining unit obtains version information of APIs corresponding to a system service module from the application, the obtaining unit obtains version information of APIs of the

system service module from the system service module (reads on figs 20 and 21 and col. 21, lines 29-60).

With regard to claim 6, Schwabe further teaches further a file stored in memory, including the version information of the APIs used by the application, wherein the obtaining unit obtains the version information of the APIs used by the application from the file (reads on fig. 20a).

With regard to claim 7, Schwabe further teaches further wherein, when the comparing unit compares the versions before the application is installed, the image forming apparatus displays on an operation panel information indicating that the application can be installed if all versions of the APIs used by the application are the same as versions of corresponding APIs of the system service (reads on figs. 19 and 20d).

With regard to claims 10,12-16,19 and 21-23, the limitations of claims 10,12-16,19 and 21-23 are covered by the limitations of claims 1 and 3-7 above.

### ***Conclusion***

4. Claims 8,9,17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art of record does not teach the limitations of the objected claims in combination with the features of the independent claim(s).

5. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel I. Garcia whose telephone number is (571) 272-7434. The Examiner can normally be reached Monday-Thursday from 7:30 AM-6:00 PM. The fax phone number for this group is (571) 273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2600.

Application/Control Number: 10/627,731  
Art Unit: 2625

Page 6

/Gabriel I Garcia/

Primary Examiner, Art Unit 2625

**Gabriel I. Garcia**  
**Primary Examiner**  
**February 26, 2009**